

**BOARD OF REAL ESTATE APPRAISERS
BOARD MEETING MINUTES – April 5, 2005**

MEMBERS PRESENT

James Murphy
Bruce Bell
Kenneth Charest
Joseph Herlihy
Theodore Webersinn

MEMBERS ABSENT

Walter Bowditch

OTHERS PRESENT

Carol Leighton, Administrator
Dennis Smith, A.A.G.
Susan Greenlaw, Board Clerk

Location: Central Conference Room **Start:** 9:00 a.m. **Adjourn:** p.m.

CALL TO ORDER

The meeting was called to order at 9:00 a.m.

AGENDA MODIFICATIONS

Members agreed to add the following:

- Upcoming AARO Conference

OLD BUSINESS

Action on Minutes of February 1, 2005 Meeting

A motion was made by James Murphy to approve the minutes of the February 1, 2005 meeting as written; seconded by Bruce Bell. Unanimous.

Action on Tabled Applications/Items

| | | |
|--------------|---|-------------------|
| APPLICANT #1 | REINSTATEMENT REQUEST FOR CR 120 LIC EXPIRED 12/31/2002 APPLICATION WAS RECEIVED WITHIN THE 2 YEAR WINDOW FOR REINSTATEMENT MIN 120 QE BAL MET MIN 24 MTS EXP MET MIN 2500 EXP HRS MET - RECORD INDICATES ORIGINAL 1500 HOURS APPROVED BY THE BOARD AT TIME OF TRANSITIONAL LICENSING IN 1991 PASSED THE CR EXAM | APRIL 5 – TABLED. |
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NEW BUSINESS

Hearing – Aaron Adler (complaint #REA-195)

The Chair opened the hearing in the matter of Aaron Adler. Mr. Adler was present and represented by Attorney Roger Katz. Assistant Attorney General Dennis Smith represented the State in this matter. Carolyn Silsby, A.A.G. was present as Hearing Officer and Counsel for the Board. Public deliberations were conducted at the close of the hearing. A motion was made by James Murphy to find the licensee in violation of 32 M.R.S.A. 14014(1)(G), 14014(1)(I), 14014(1)(J), 14028, USPAP SR 1-1(b), 1-1(c), 1-4(a), and 2-1(a); seconded by Theodore Webersinn. Unanimous.

A motion was made by Theodore Webersinn to order the licensee to: (1) One year license suspension; (2) successfully complete within the suspension period a basic 30-hour minimum appraisal course with exam, not to be counted towards renewal; (3) successfully complete within the suspension period a 15-hour USPAP course with exam, not to be counted towards renewal; (4) \$2000 fine (\$500 per violation); and (5) costs associated with the hearing; seconded by James Murphy. No one voted in the affirmative; Bell, Charest, Murphy, and Webersinn opposed. Motion failed.

A motion was made by Theodore Webersinn to order the licensee to: (1) One year probation, during such time the licensee shall not be allowed to supervise any trainees in Maine; (2) successfully complete within the probation period a basic 30-hour minimum appraisal course with exam, not to be counted towards renewal; (3) successfully complete within the suspension period a 15-hour USPAP course with exam, not to be counted towards renewal; (4) \$2000 fine (\$500 per violation) payable within 30 days; and (5) costs associated with the hearing payable within 30 days; seconded by James Murphy. Unanimous.

Administrator's Report

The Board was presented with a licensee who disclosed criminal convictions. A motion was made by Joseph Herlihy to offer a consent agreement which requires the licensee to pay a fine in the amount of \$200; seconded by Theodore Webersinn. Unanimous.

Complaint Officer's Report

Joseph Herlihy, Complaint Officer, presented the facts in the following cases:

#REA-187/188

#187 (supervisor): A motion was made by James Murphy to ; seconded by to find the licensee in violation of 14014(1)(G)(I)(J), Board Rules Chapter 230 Section 1(A)(B), and USPAP SR 1-1(a)(b)(c) and to offer a Consent Agreement requiring admission to violation and revocation of license; seconded by Kenneth Charest. Bell, Charest,

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Murphy, and Webersinn voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

#188 (trainee): A motion was made by Kenneth Charest to find the licensee in violation of 14014(1)(G)(I)(J), 14033-1 and USPAP SR 1-1(a)(b)(c) and to offer a Consent Agreement requiring license suspension of 1 year; completion of a 30 hour basic appraisal course with exam; 15 hour USPAP with exam; \$2000 fine; seconded by James Murphy. Bell, Charest, Murphy, and Webersinn voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

#REA-192/193: A motion was made by James Murphy to table for further investigation; seconded by Theodore Webersinn. Unanimous.

Real Estate Commission Letter – Mandatory Disclosures for Broker Appraisals/Opinions of Market Value

At the January 4 meeting the Board requested that Assistant Attorney General Dennis Smith draft a letter to the Real Estate Commission regarding the Board's interpretation of the statute relating to mandatory disclosures for broker appraisals/opinions of market value. That letter was approved at the Board's February 1 meeting and presented to the Real Estate Commission at their March 24 meeting. The Board reviewed and discussed the Commission's response to their letter.

Review and Action on Applications and Education

| NAME | APPLYING TO | RECOMMENDATION | ACTION |
|-----------------|--|---|--|
| APPLICANT #1 | REINSTATEMENT REQUEST FOR CR 195 LIC EXPIRED 12/31/2000 APPLICATION WAS NOT RECEIVED WITHIN THE 2 YEAR WINDOW FOR REINSTATEMENT MIN 120 QE BAL MET MIN 24 MONTHS EXP MET MIN 2500 EXP HRS MET - RECORD INDICATES @ 2800 HOURS TRANSITIONAL LICENSING IN 1991 PASSED THE CR EXAM | CANNOT WAIVE THE EXAMINATION BOARD PRECEDENT IS TO REQUIRE TO TAKE THE AP EXAM AND THE CR EXAM | MOTION BY MURPHY TO APPROVE FOR AP EXAM; SECONDED BY WEBERSINN. UNANIMOUS. |

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| APPLICANT #2 | MIN 120 QE BAL MET MIN 24 MTS EXP MET MIN 2500 EXP HRS MET – SOME OF WHICH MUST BE “MAJOR RESIDENTIAL” COPIES OF SAMPLE APPRAISALS REQUESTED | | APRIL 5 – MOTION BY MURPHY TO TABLE PENDING REVIEW OF APPRAISALS; SECONDED BY WEBERSINN. UNANIMOUS. |
| APPLICATIONS TO BE DENIED | | | |
| APPLICANT #1 | APPLICANT APPLIED TO UPGRADE FROM AP TO CR OCT 1, 2004 | NEVER REC'D RESPONSE TO REQUEST FOR REPORTS; RECOMMEND DENIAL OF APPLICATION PURSUANT TO 32 MRSA (1), (2) AND BOARD RULE CHAPTER 200 SECTION 4B2. | MOTION BY BELL TO DENY BASED ON RECOMMENDATION; SECONDED BY WEBERSINN. UNANIMOUS. |

Correspondence

Appraisal Subcommittee – State Field Contacts: Tabled.

The Appraisal Foundation – Criteria Implementation: Tabled.

Next Meeting Scheduled for May 3, 2005

OTHER BUSINESS

Continuing Education Audits:

1. In compliance but late - send warning letter.
2. Two hours short – renewed indicating compliance but was not – took course right away – A motion was made by Joseph Herlihy to offer a consent agreement with admission to violation and \$250 fine; seconded by James Murphy. Unanimous.
3. In compliance, did not respond to first notice, responded to second notice and submitted documentation 10 days late – A motion was made by Joseph Herlihy to offer a Consent Agreement requiring a \$50 fine; seconded by James Murphy. Unanimous.

ADJOURN

Being no further board business the meeting was adjourned at 6:00 p.m.

Respectfully submitted,

Susan Greenlaw, Board Clerk